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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,787	08/17/2003	Larry W. Collum		1786

7590 10/19/2005  
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EXAMINER

BLAU, STEPHEN LUTHER

ART UNIT PAPER NUMBER

3711

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/604,787

Applicant(s)

COLLUM ET AL.

Examiner

Stephen L. Blau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 2,3,6,7,10,11 and 14 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12 is/are allowed.
- 6) ☒ Claim(s) 1,5,8,9 and 13 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Request for Continued Examination (RCE)***

1. The request filed on 28 August 2005 for a Request for Continued Examination (RCE) under 37 CFR 1.53(d) based on parent Application No. 10/604,787 is acceptable and a RCE has been established. An action on the RCE follows.

### ***Oath/Declaration***

2. The oath entered 29 June 2005 is agreed with.

### ***Response to Amendment***

3. The status identifiers in amendment dated 28 August 2005 are agreed with.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 5, 8, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leveque de Vilmorin in view of Lundberg and Examiner's Official Notice.

Leveque de Vilmorin discloses a club having a head with a loft 40-41 degrees, a loft 42-45 degrees, a lie of 66-70 degrees (Col. 2, Lns. 56-60), and a shaft having a length equal to that of an average iron (Col. 4, Lns. 44-51).

Leveque de Vilmorin lacks a metallic shaft having a length of 34.5 and 37.5 inches. Lundberg discloses a typical set of irons for men (1-11 irons) having lengths from 35 to 39.5 inches and a set of irons for women (1-9 irons) having lengths from 34.5 to 38.5 inches (Table I). The average length of this set of irons for men would be 37.25 inches and for women using 1-9 irons would be 36.5 inches. In view of the patent of Lundberg it would have been obvious to modify the club of Leveque de Vilmorin to have a shaft length of 37.25 inches in order to utilize a typical set of irons for men in determining an average iron length. In view of the patent of Lundberg it would have been obvious to modify the club of Leveque de Vilmorin to have a shaft length of 36.5 inches in order to utilize a typical set of irons of 1-9 irons for women in determining an average iron length.

The Examiner takes Official Notice that it is well known to have metallic shafts for heads. Therefore it would have been obvious to modify the club of Leveque de Vilmorin to have a metallic shaft in order to have a rigid shaft for a golfer who is strong and swings a club fast.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mendenhall in view of Lundberg and Examiner's Official Notice.

Mendenhall discloses a club having a head with a loft of 52 degrees and a lie of 70 degrees for a wedge (Col. 3, Lns. 62-67).

Mendenhall lacks a metallic shaft having a length of 34.5 and 37.5 inches. Lundberg discloses a typical set of irons for men (1-11 irons) having lengths from 35 to 35.5 inches for wedges in the form of iron numbers 10-11 (Table I). In view of the patent of Lundberg it would have been obvious to modify the club of Mendenhall to have a shaft length of 35 to 35.5 inches in order to utilize a wedge shaft length from a typical set of irons used in the market place.

The Examiner takes Official Notice that it is well known to have metallic shafts for heads. Therefore it would have been obvious to modify the club of Mendenhall to have a metallic shaft in order to have a rigid shaft for a golfer who is strong and swings a club fast.

7. Claims 1, 5, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liao in view of Lundberg and Examiner's Official Notice.

Liao discloses a loft of 34-41 degrees, a loft of 42-47 degrees a lie of 70 degrees (Claim 1) and a shaft length of 34 inches or so with it shorter than the shaft of the conventional iron golf club [0023]. Liao does not disclose what the "or so" range is.

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Clearly one skilled in the art would have selected a suitable variations from 34 inches in which .5 inch is included.

Liao lacks a metallic shaft having a length of 34.5. Lundberg discloses a typical set of irons for men (1-11 irons) having lengths from 35 to 35.5 inches (Table I). In view of the patent of Lundberg it would have been obvious to modify the club of Mendenhall to have a shaft length of 34.5 inches in order to vary the shaft length from 34 inches yet maintain the length less than a shaft of a conventional set or irons for men.

The Examiner takes Official Notice that it is well known to have metallic shafts for heads. Therefore it would have been obvious to modify the club of Liao to have a metallic shaft in order to have a rigid shaft for a golfer who is strong and swings a club fast.

***Allowable Subject Matter***

8. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. None of the prior art discloses or renders as obvious the combination of loft angle, lie angle and shaft length.

9. Claim 12 is allowed. None of the prior art discloses or renders as obvious the combination of loft angle, lie angle and shaft length.

### ***Response to Arguments***

10. Applicant's arguments with respect to claims 9 and 13 have been considered but are moot in view of the new ground(s) of rejection. The examiner has changed his position on the reference of Liao. Liao states that the shaft length is 34 inches or so with it shorter than the shaft of the conventional iron golf club [0023]. The examiner believes that a small change above or below 34 inches would be obvious as long as the length was shorter than the shaft of a conventional iron golf club.

### ***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen L. Blau whose telephone number is (571) 272-4406. The examiner can normally be reached on Mon - Fri 10:00 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on (571) 272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Slb/ 16 October 2005



STEPHEN BLAU  
PRIMARY EXAMINER